OHIO STATE LAW JOURNAL

Volume 42 *1981*

The Ohio State University
Columbus, Ohio 43201

Index

Volume 42
1981

Lead Articles—Authors

Alexander, Larry A.—*Modern Equal Protection Theories: A Metatheoretical Taxonomy and Critique* 3
Baughman Jr., William H.—*Federal Cross-Appeals—A Guide and A Proposal* 505
Benedict, Michael Les—*To Secure These Rights: Rights, Democracy, and Judicial Review in the Anglo-American Constitutional Heritage* 69
Berger, Raoul—*Ely's "Theory of Judicial Review"* 87
Berger, Raoul—*Incorporation of the Bill of Rights in the Fourteenth Amendment: A Nine-Lived Cat* 435
Berger, Raoul—*Residence Requirements for Welfare and Voting: A Post-Mortem* 853
Brest, Paul—*The Substance of Process* 131
Gerety, Thomas—*Doing Without Privacy* 143
Grano, Joseph D.—*Ely's Theory of Judicial Review: Preserving the Significance of the Political Process* 167
Holmes, William C.—*Conspiracies to Monopolize: A Decisional Model* 731
Kay, Richard S.—*Preconstitutional Rules* 187
Leedes, Gary C.—*The Rationality Requirement of the Equal Protection Clause* 639
McGowan, Carl—*Regulatory Analysis and Judicial Review* 627
Maltz, Earl M.—*Federalism and the Fourteenth Amendment: A Comment on* Democracy and Distrust 209
Martz, Gary R.—*Consumerism Comes of Age: Treble Damages and Attorney Fees in Consumer Transactions—The Ohio Consumer Sales Practices Act* 927
Meeks, James E.—*Foreword, Symposium: Judicial Review Versus Democracy* 1
Morgan, Richard J.—*Reconciling the "Conflicting" Duties of Transfer Agents and Issuers Under the Securities Act and the Uniform Commercial Code* .....
Parker, Richard D.—*The Past of Constitutional Theory—And Its Future* 223
Perry, Michael J.—*Interpretivism, Freedom of Expression, and Equal Protection* 261
Roberts, Douglas S.—*Consumerism Comes of Age: Treble Damages and Attorney Fees in Consumer Transactions—The Ohio Consumer Sales Practices Act* 927
Sargent, Mark A.—*On the Validity of State Takeover Regulation: State Responses to* MITE *and* Kidwell 689
Spak, Michael I.—*Predictable Harm: Should the Media be Liable?* 671
Weidner, Donald J.—*Partnership Allocations and Capital Accounts Analysis* 467
Wellington, Harry H.—*The Importance of Being Elegant* 427

Lead Articles—Titles

Conspiracies to Monopolize: A Decisional Model. *William C. Holmes* 731
Doing Without Privacy. *Thomas Gerety* 143
Ely's "Theory of Judicial Review." *Raoul Berger* 87
Ely's Theory of Judicial Review: Preserving the Significance of the Political Process. *Joseph D. Grano* 167
Federal Cross-Appeals—A Guide and a Proposal. *William H. Baughman, Jr.* 505
Federalism and the Fourteenth Amendment: A Comment on *Democracy and Distrust. Earl M. Maltz* 209
Foreword, Symposium: Judicial Review Versus Democracy. *James E. Meeks* 1
Consumerism Comes of Age: Treble Damages and Attorney Fees in Consumer Transactions—The Ohio Consumer Sales Practices Act. *Douglas S. Roberts and Gary R. Martz* 000
The Importance of Being Elegant. *Harry H. Wellington* 427
Incorporation of the Bill of Rights in the Fourteenth Amendment: A Nine-Lived Cat. *Raoul Berger* 435
Interpretivism, Freedom of Expression and Equal Protection. *Michael J. Perry* 261

INDEX

Modern Equal Protection Theories: A Metatheoretical Taxonomy and Critique. *Larry A. Alexander* 3
On the Validity of State Takeover Regulation: State Responses to *MITE* and *Kidwell*. *Mark A. Sargent* 689
Partnership Allocations and Capital Accounts Analysis. *Donald J. Weidner* 467
The Past of Constitutional Theory—And its Future. *Richard D. Parker* 223
Preconstitutional Rules. *Richard S. Kay* 187
Predictable Harm: Should the Media Be Liable? *Michael I. Spak* 671
The Rationality Requirement of the Equal Protection Clause. *Gary C. Leedes* 639
Reconciling the "Conflicting" Duties of Transfer Agents and Issuers Under the Securities Act and the Uniform Commercial Code. *Richard J. Morgan* 879
Regulatory Analysis and Judicial Review. *Carl McGowan* 627
Residence Requirements for Welfare and Voting: A Post-Mortem. *Raoul Berger* 853
To Secure These Rights: Rights, Democracy, and Judicial Review in the Anglo-American Constitutional Heritage. *Michael Les Benedict* 69
The Substance of Process. *Paul Brest* 131

Book Review

Murphy, Earl Finbar. SOCIAL ORDER AND THE LIMITS OF THE LAW: A THEORETICAL ESSAY. By Iredell Jenkins. Princeton: Princeton University Press. 1980. Pp. xiv, 390. $25.00 (hardcover) $9.95 (paperback) 965

Comments

Academic Freedom vs. Title VII: Will Equal Employment Opportunity Be Denied on Campus? 989
A Definitional Approach to Secondary School Students' Right to Know 1025
Ex Parte Contacts Within the FCC: Problem in Accountability 751
Federal Rule of Civil Procedure 23(a)(3) Typicality Requirement: The Superfluous Prerequisite to Maintaining a Class Action 797
Liability for Negligent Prenatal Diagnosis: Parents' Right to a "Perfect" Child 551
The Outer Limits of Parental Autonomy: Withholding Medical Treatment From Children 813
The Protection of Confidential News Sources: Enhancing the Utility of Ohio's Shield Law 1039
Punitive Damages Awards in Strict Products Liability Litigation: The Doctrine, the Debate, the Defenses 771
Status Offenders and Juvenile Court: A Proposal for Revamping Jurisdiction 1005
The Uncertain Application of The Right of Privacy in Personal Medical Decisions: The Laetrile Cases 523

Case Comments

Expanding Patent Coverage: Policy Implications of *Diamond v. Chakrabarty* 1061
Firm Disqualification and the Former Government Attorney: *Armstrong v. McAlpin* 579
The National Hockey League's Faceoff with Antitrust: *McCourt v. California Sports, Inc.* 603
The Significant Risk Test and OHSA's Attempts to Regulate Toxic Substances: *Industrial Union Department, AFL-CIO v. American Petroleum Institute* 1119
Is the Right of Access to Trials an Instance of a First Amendment Right to Know: *Richmond Newspapers v. Virginia?* 831
The Tax-Exempt Status of Hospital Service Organizations: *HCSC-Laundry v. United States* 1085

Subject Index

Administrative Law

Ex Parte Contacts Within the FCC: Problem in Accountability 751
The Significant Risk Test and OSHA's Attempts to Regulate Toxic Substances: *Industrial Union Department, AFL-CIO v. American Petroleum can Petroleum Institute* 627
Regulatory Analysis and Judicial Review ... 627

Antitrust

Conspiracies to Monopolize: A Decisional Model 731
The National Hockey League's Faceoff with Antitrust: *McCourt v. California Sports, Inc.*... 603

Civil Procedure

Federal Cross-Appeals—A Guide and a Proposal 505
Federal Rule of Civil Procedure 23(a)(3) Typicality Requirement: The Superfluous Prerequisite to Maintaining a Class Action 797

Civil Rights

Academic Freedom vs. Title VII: Will Equal Employment Opportunity Be Denied on Campus? 989

Constitutional Law

A Definitional Approach to Secondary School Students' Right to Know 1025
Doing Without Privacy 143
Ely's "Theory of Judicial Review" 87
Ely's Theory of Judicial Review: Preserving the Significance of the Political Process 167
Federalism and the Fourteenth Amendment: A Comment on *Democracy and Distrust* 209
Foreword, Symposium: Judicial Review Versus Democracy 1
The Importance of Being Elegant 427
Incorporation of the Bill of Rights in the Fourteenth Amendment: A Nine-Lived Cat 435
Interpretivism, Freedom of Expression, and Equal Protection 261
Modern Equal Protection Theories: A Metatheoretical Taxonomy and Critique 3
On the Validity of State Takeover Regulation: State Responses to *MITE* and *Kidwell* 689
The Past of Constitutional Theory—And Its Future 223
Preconstitutional Rules 187
The Protection of Confidential News Sources: Enhancing the Utility of Ohio's Shield Law 1039
The Rationality Requirement of The Equal Protection Clause 639
Residence Requirements for Welfare and Voting: A Post-Mortem 853
Is The Right of Access to Trials an Instance of a First Amendment Right to Know: *Richmond Newspapers v. Virginia?* 831
To Secure These Rights: Rights, Democracy, and Judicial Review in the Anglo-American Constitutional Heritage 69
The Substance of Process 131
The Uncertain Application of the Right of Privacy in Personal Medical Decisions: The Laetrile Cases 523

Consumer Law

Consumerism Comes of Age: Treble Damages and Attorney Fees in Consumer Transactions—The Ohio Consumer Sales Practices Act 927

Corporations

On the Validity of State Takeover Regulation: State Responses to *MITE* and *Kidwell* 689

Environmental Law

OSHA's Attempts to Regulate Toxic Substances: *Industrial Union Department, AFL-CIO v. American Petroleum Institute* 1119

Family Law

The Outer Limits of Parental Autonomy: Withholding Medical Treatment from Children 831

Jurisprudence

Book Review: SOCIAL ORDER AND THE LIMITS OF THE LAW: A THEORETICAL ESSAY. By Iredell Jenkins, Princeton: Princeton University Press 1980. Pp. xiv, 390. $25.00 (hardcover) $9.95 (paperback) 965

Juvenile Law

Status Offenders and Juvenile Court: A Proposal for Revamping Jurisdiction 1005

Legal Profession

Firm Disqualification and the Former Government Attorney: *Armstrong v. McAlpin* 579

Patent Law

Expanding Patent Coverage: Policy Implications of *Diamond v. Chakrabarty* 1060

Products Liability

Punitive Damaged Awards in Strict Products Liability Litigation: The Doctrine, The Debate, The Defenses 771

SUBJECT INDEX

Securities Law

Reconciling the "Conflicting" Duties of Transfer Agents and Issuers under the Securities Act and the Uniform Commercial Code 879

Tax Law

Partnership Allocations and Capital Accounts Analysis 467

The Tax-Exempt Status of Hospital Service Organizations: *HCSC-Laundry v. United States* 1085

Torts

Liability for Negligent Prenatal Diagnosis: Parents' Right to a "Perfect" Child? 551

Predictable Harm: Should the Media Be Liable? 671

Cases Noted

Armstrong v. McAlpin, 625 F.2d 433 (2d Cir. 1980) 579

Diamond v. Chakrabarty, 447 U.S. 303 (1980) 1061

Great Western United Corp. v. Kidwell, 577 F.2d 1256 (5th Cir. 1978) 690

HCSC Laundry v. United States, 101 S. Ct. 836 (1981) 1085

Industrial Union Department, AFL-CIO v. American Petroleum Institute, 448 U.S. 607 (1980) 1119

McCourt v. California Sports, Inc., 600 F.2d 1193 (6th Cir. 1979) 603

MITE Corp. v. Dixon, 633 F.2d 486 (7th Cir. 1980) 689

Richmond Newspapers v. Virginia, 488 U.S. 555 (1980) 831

Shapiro v. Thompson, 394 U.S. 618 (1969) 853